

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**ZONING MAP AMENDMENT REPORT (#FZC-20-07)**  
**TYLER AND KETURAH KERST**  
**MAY 21, 2020**

**I. GENERAL INFORMATION**

**A. Project Description**

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Tyler and Keturah Kerst, for property located within the Bigfork Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from *AG-20 (Agricultural)* to *SAG-10 (Suburban Agricultural)*.

**B. Application Personnel**

**1. Owner / Applicant**

Tyler and Keturah Kerst  
501 McCaffery Rd  
Bigfork, MT 59911

**C. Process Overview**

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11<sup>th</sup> Street West in Kalispell.

**1. Land Use Advisory Committee/Council**

The Bigfork Land Use Advisory Committee (BLUAC) will conduct a public hearing on the proposed zoning map amendment on May 28<sup>th</sup> at 4:00 P.M. via a teleconference meeting.

**2. Planning Board**

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on June 10<sup>th</sup> at 6:00 P.M. at the Trade Center Building at the Flathead County Fairgrounds. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

**3. Commission**

In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment on July 2, 2020 at 9:30 A.M. in the Commissioner's Chambers at 800 South Main Street in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection at [http://flathead.mt.gov/planning\\_zoning/planningboard.php](http://flathead.mt.gov/planning_zoning/planningboard.php).

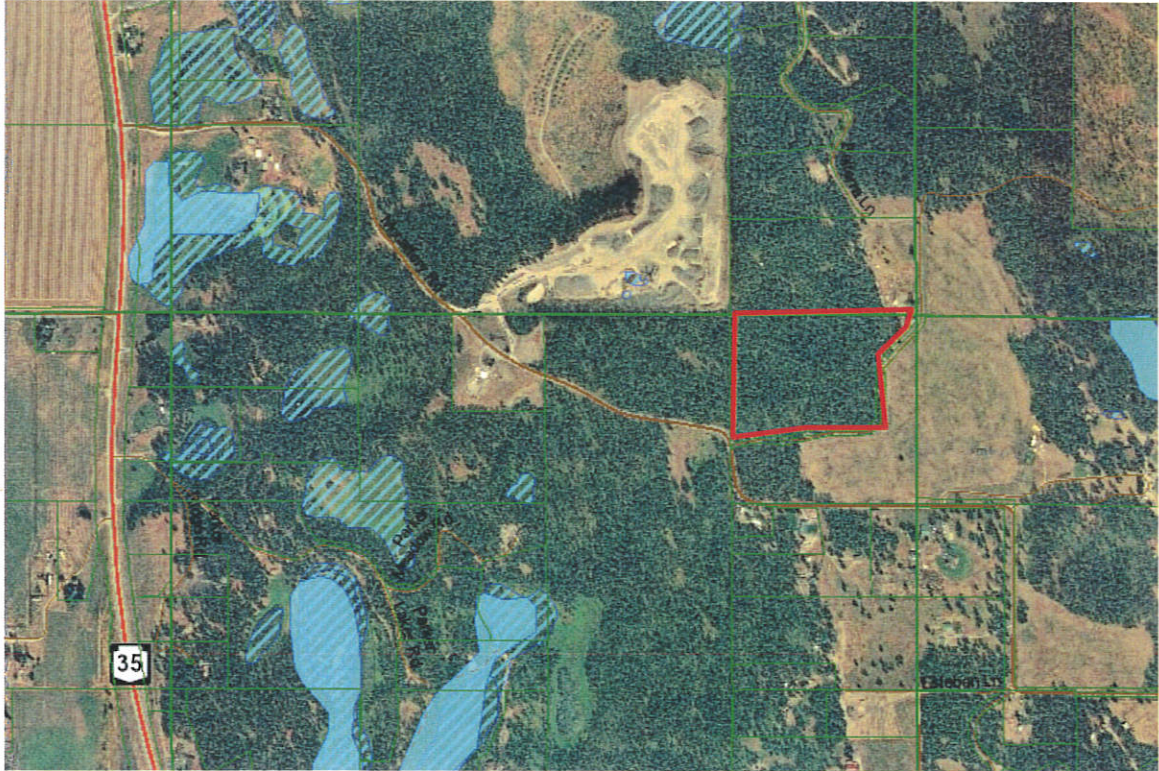
**II. PROPERTY CHARACTERISTICS**

**A. Subject Property Location and Legal Description**

The property is located 25 Echo Bay Trail in Bigfork, MT (see Figure 1 below) and is approximately 22.09 acres. The properties are legally described as:

Tract 1 of Certificate of Survey No. 18506, situated, lying and being in Government Lot 3 of Section 7, Township 27 North, Range 19 West and in the Northeast Quarter of the Northeast Quarter of Section 12, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property (outlined in red)

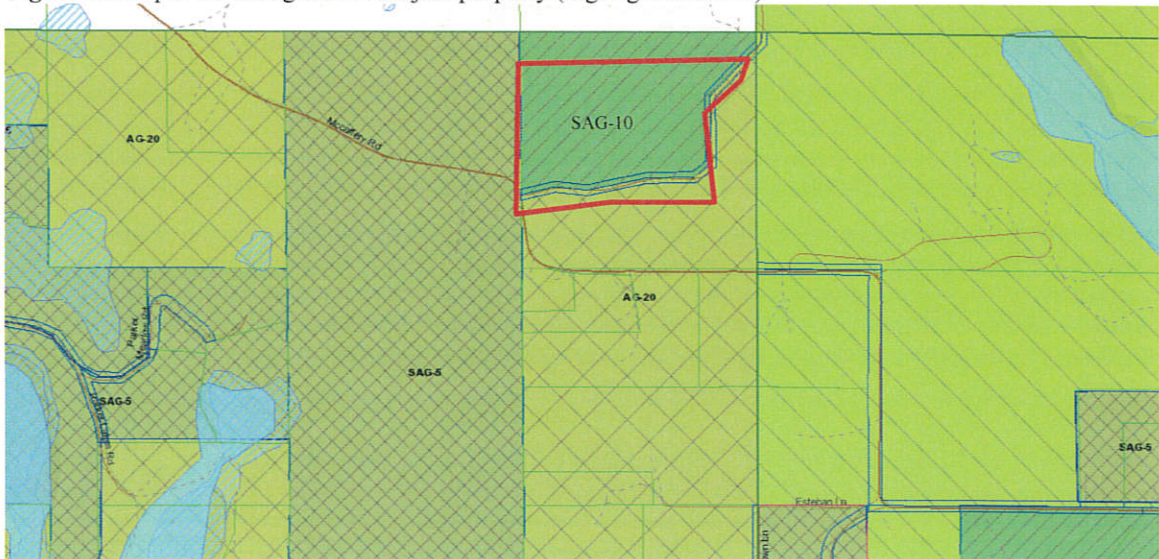


**B. General Character of and Reason for Amendment**

The subject property contains one tract located at the northeast corner of Echo Bay Trail and McCaffery Road. The property contains a shed on a heavily wooded lot that is undergoing thinning.

The application states, “We are wanting to be able to transfer half of the 22 acre lot to Tyler’s mother.”

**Figure 2:** Proposed zoning on the subject property (highlighted in red)



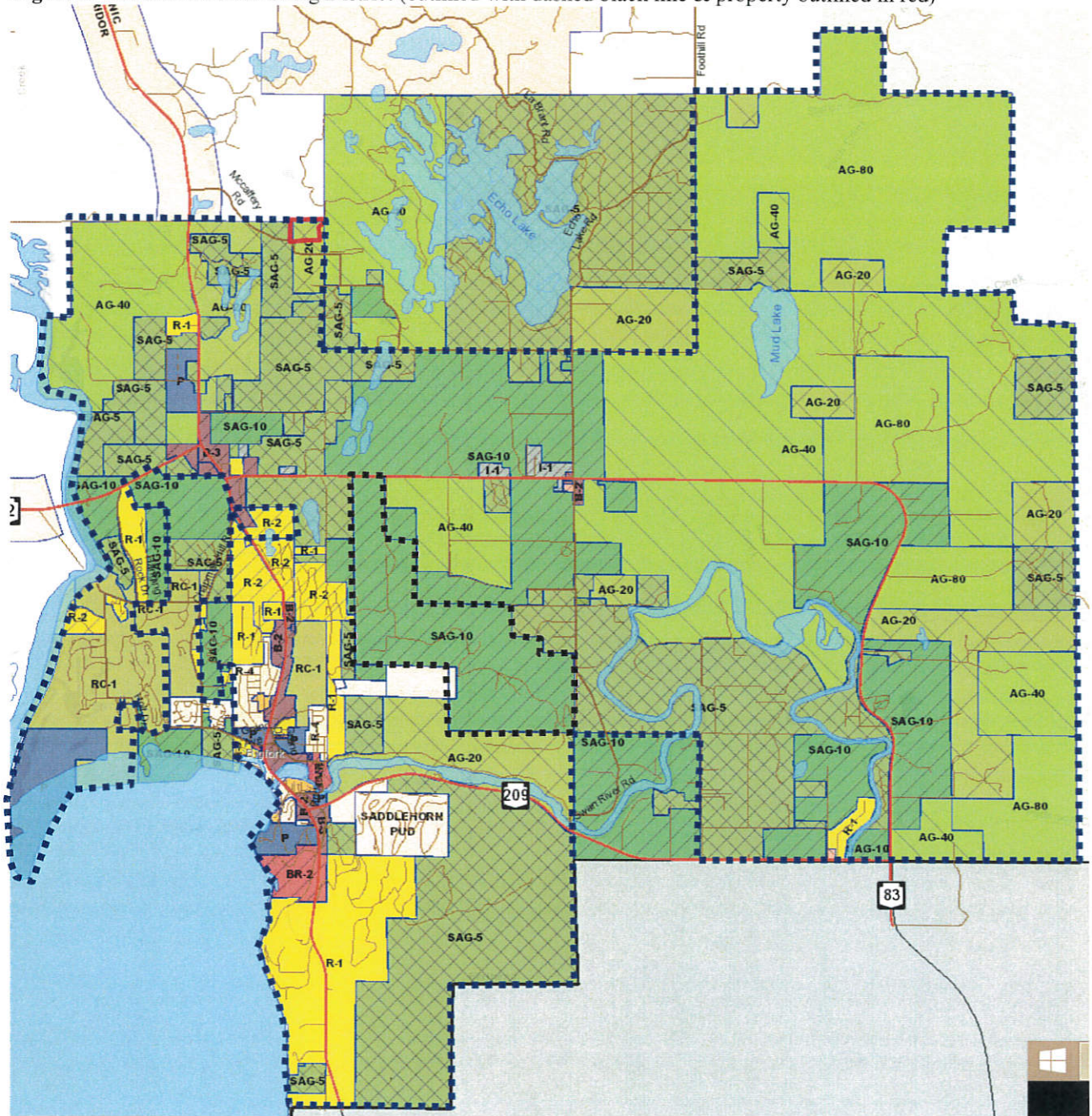
**C. Adjacent Zoning and Character of the Overall Zoning District**

The property is located in the Bigfork Zoning District. The character of the zoning district in the vicinity of the subject property is generally suburban agricultural and rural residential. Also in the vicinity is a bible camp and a gravel pit.

Directly to the north is property that is not zoned. To the south is AG-20 zoning and to the west is SAG-10 zoning and to the east is AG-40. The nearest SAG-10 is located less than a half mile to the southeast of the property.



Figure 3: Blanchard Lake Zoning District (outlined with dashed black line & property outlined in red)



#### D. Public Services and Facilities

Sewer:	N/A
Water:	N/A
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Bigfork School District Bigfork High School District
Fire:	Creston Fire District
Police:	Flathead County Sheriff

### **III. COMMENTS**

#### **A. Agency Comments**

1. Agency referrals were sent to the following agencies on March 16, 2020:
  - Flathead County Road and Bridge Department
  - Flathead County Solid Waste
  - Flathead City-County Health Department
  - Flathead County Weeds and Parks Department
  - Bonneville Power Administration
  - Creston Fire District
  - Bigfork High School District
  - Bigfork School District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
  - Creston Fire District
    - Comment: “on the surface we do not see any significant impacts from this proposed zone change for the Creston Fire District. As with any development we do encourage a few items:
      - “Adequate and visible signage of roadways and addresses.
      - “Roadways and driveways that will accommodate emergency vehicle traffic year-round.
      - Adherence to fire-wise fuel mitigation guidelines.
    - Of a particular concern in these type of changes, we find that often others in the area request the same and in the future, what at first would seem to have little negative impact, can result in ‘unplanned development’ in reality but one that would not have the same requirements for public safety concerns as would be the case of an actual subdivision with several lots designed as such at the inception.” Letter dated April 2, 2020.
  - Flathead County Road & Bridge Department
    - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated March 30, 2020

#### **B. Public Comments**

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on May 20, 2020. Legal notice of the Planning Board public hearing on this application was published in the May 24, 2020 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.



## 2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for June 10, 2020 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

## IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

### A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

Per Section 3.06 of the Flathead County Zoning Regulations (FCZR), AG-20 is defined '*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*'

The SAG-5 designation is defined in Section 3.08 FCZR as, '*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*'

The permitted uses and conditional uses for the proposed and existing zoning contain several differences. The amendment would decrease the number of permitted uses from 23 to 21 and the number of conditional uses would increase from 22 to 23.

The permitted and conditional uses listed within the AG-20 but not allowed in SAG-10 are as follows:

- Fish Hatchery.
- Animal farm.
- Communication tower/mast.
- Feed and seed processing and cleaning.
- Feed lot: cattle, swine, poultry.

- Radio and television broadcast tower.

One permitted uses (Kennel) listed within the AG-20 is listed as conditional uses in the SAG-10.

The conditional uses listed within the SAG-10 but not allowed in AG-20 are as follows:

- Community residential facility.
- Golf course.
- Golf driving range.
- Manufactured home park.

The bulk and dimensional requirements within the current and proposed zoning require a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. For both zones the permitted lot coverage is 20% and maximum height is 35 feet.

The existing zoning requires a minimum lot area of 20 acres. The subject property totals 22.09 acres, zero additional lots could be created under the existing zoning. The proposed zoning requires a minimum lot area of ten acres therefore approximately one additional lots could be created. The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are similar but the amendment would reduce the number of permitted uses while increasing the number of conditional uses.

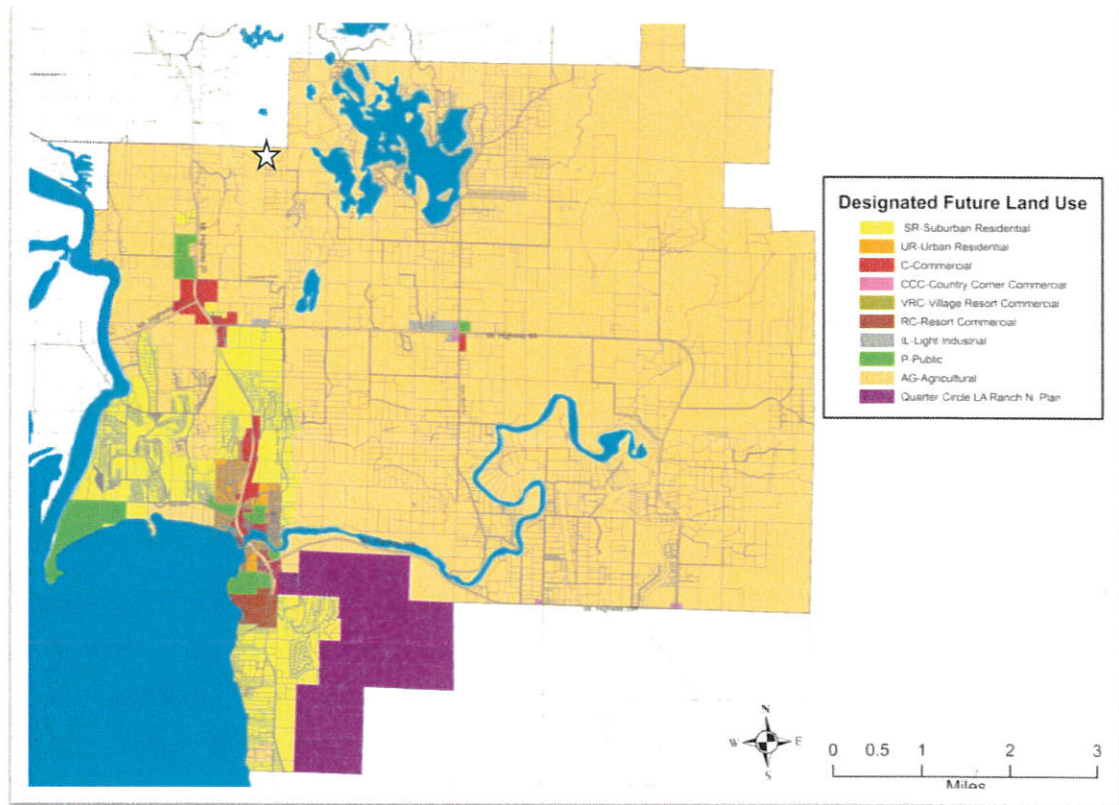
## **B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)**

### **1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.**

The Bigfork Neighborhood Plan (The Plan) serves as a localized planning tool for the community of Bigfork. The Plan was adopted as an addendum to the Growth Policy to provide more specific guidance on future development and land use decisions at the local level.

As shown in Figure 4, the Bigfork Neighborhood Plan “Future Land Use Map” designates the area in which the subject property is located as ‘Agricultural. According to the text of the plan states, *“Designated areas for agricultural production should be protected from the encroachment of residential and other more intensive development. Schools, fire stations, and parks are appropriate in this designation. Zoning designations in these areas range from Suburban Agriculture (SAG) 5 to Agriculture (AG) 80. This spectrum of zoning designations should be applied in a manner that implements the goals and policies of the plan in areas designated as AG on Map 10.”*

**Figure 4:** Subject property generally located in the area shown with a star



Following is a consideration of goals and policies which appear to be applicable to the proposed zone change, to determine if the proposal complies with The Plan:

- ❖ **G.2** – *Support growth and development in the BPA in a way that protects the character of the area and its natural resources.*
  - The proposed zoning map amendment appears to protect the character of the area and its natural resource because it would allow for lot sizes and land uses similar to what exists in the adjacent SAG-10 zone.
- ❖ **G.6** – *Encourage and support residential development densities which are appropriate to existing and planned public facilities and services, which are absent of environmental constraints, and which enhance the character of the community.*
  - The proposed zoning map amendment is located in an area of the County that utilizes individual well and septic facilities but is within a rural fire district, is served by a public school district and the Flathead County sheriff, and appears absent of environmental constraints with the exception of dust generation.
- ❖ **G.8** – *Encourage housing that maintains traditional development patterns while protecting property values and natural resources.*
  - The proposed zone change would encourage housing that maintains traditional development patterns because it would allow for lot sizes and land uses similar to what exists on the adjacent properties.



- **P.8.2** – *Encourage lot size and configuration in rural areas that promote open space and scenic views, while maintaining the character of these areas and supporting agricultural operations.*
  - The proposed zoning would allow for lot sizes that maintain the character of the area.
- **P.9.3** – *Transportation corridors should maintain the continued visual enjoyment of both the well-tended agricultural lands and the natural beauty of the area, and provide unimpeded traffic flow.*
  - The subject property is not currently used for nor has it been historically used for agricultural and the proposed zone change would likely maintain the natural beauty of the area and would likely not negatively impact traffic flow.

The Plan states, “*SAG-10 zoning is appropriate for areas exhibiting the attributes of rural services and facilities, and where a transition between AG zones and residential areas is appropriate. Paved roads, adequate emergency service response times, minimal environmental constraints and the ability to fully create lots with building areas unaffected by environmental constraints are indicators of where this intensity of growth should be guided. Access to schools and basic commercial services should be within a reasonable driving distance, so as to limit vehicle miles traveled and traffic on rural roads not designed to accommodate growth.*”

The Bigfork Neighborhood Plan provides guidance for the appropriate use of the spectrum of Agricultural zoning designations. The property is located on a gravel road but is located within at the intersection of McCaffery Road a paved county maintained road. The property is located adjacent to SAG-5 zoning to the west, AG-20 to the south, and Ag-40 to the east. So while the subject property is not located directly adjacent to residential, it is between SAG-5 and AG-20 and AG-40 districts.

The Bigfork Neighborhood Plan appears to generally support the proposed zoning map amendment by the Future Land Use Map designation of ‘Agricultural,’ and the goals, policies and texts of the plan.

**Finding #1:** The proposed zoning map amendment from SAG-10 to SAG-5 appears to comply with the Bigfork Neighborhood Plan Map Year 2020 because the proposed zoning classification is compatible with the future land use map designation of ‘Agricultural.’

**Finding#2:** The proposed zoning map amendment from AG-20 to SAG-10 is generally supported by the text, goals and policies of The Plan because it would encourage housing that maintains traditional development patterns, is not currently used for nor has it been historically used for agricultural, and it would allow for lot sizes and land uses between what exists in the adjacent SAG-5, AG-20, and AG-40 zones.

## **2. Whether the proposed map amendment is designed to:**

### **a. Secure safety from fire and other dangers;**

The subject property is located within the Creston Fire District and the nearest fire station in the district is located approximately 6.6 miles from the property. The nearest fire station operated by the Bigfork Fire Department is 3.8 mile away. The Creston Fire Department would respond in the event of a fire or medical

emergency. The Creston Fire Department comment states, “on the surface we do not see any significant impacts from this proposed zone change for the Creston Fire District. As with any development we do encourage a few items:

- “Adequate and visible signage of roadways and addresses.
- “Roadways and driveways that will accommodate emergency vehicle traffic year-round.
- Adherence to fire-wise fuel mitigation guidelines.

Of a particular concern in these type of changes, we find that often others in the area request the same and in the future, what at first would seem to have little negative impact, can result in ‘unplanned development’ in reality but one that would not have the same requirements for public safety concerns as would be the case of an actual subdivision with several lots designed as such at the inception.”

The subject property is located in the Wildland Urban Interface (WUI) and designated as County Wide Priority Area. The property is forested however thinning efforts have already taken place on the property where the proposed houses are to be located. According to the Flathead County Growth Policy, “The WUI is commonly described as the zone where structures and other human development meet and intermingle with undeveloped forests. This WUI zone is comprised of private and public lands and can pose risks to life, property, and infrastructure in associated communities if not mitigated.”

The subject property appears to be mapped as unshaded Zone X, areas determined to be outside the 0.2% annual chance floodplain on FEMA FIRM Panel 30029C2305J.

**Finding #3:** The proposed map amendment would secure safety from fire and other dangers because even though it would allow for additional houses in the WUI, emergency services are available, and thinning has occurred on the property and the property is not located within the 100 year floodplain.

**b. Promote public health, public safety, and general welfare;**

The subject property is located within the Creston Fire District and the nearest fire station in the district is located approximately 6.6 miles from the property. The Creston Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff’s Department provides police services to the subject property.

According to the applicant, “The proposed amendment does not increase or decrease in any substantial way the public health, public safety or the general welfare. There are paved roads (McCaffery Road and Echo Bay Trail) for access to subject property on fire, ambulance, police, mail and other services access.”

Emergency service providers can anticipate likely emergencies based on similar existing and proposed uses. The SAG-10 zoning classification would allow for similar uses to what already exists in the area and what is allowed within in the current and neighboring AG-40, AG-20 and SAG-5 designation, therefore the zone change is not anticipated to adversely impact public health, safety or welfare.

**Finding #4:** The proposed zoning map amendment would not have a negative impact on public health, safety and general welfare because the property is served by the Creston Fire Department, Flathead County Sheriff, future development would be similar to uses already allowed in the current AG-40 AG-20 and SAG-5 zoning, and emergency service providers can anticipate likely emergencies based on similar existing and proposed uses.

**c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.**

Primary access to the property is currently via Echo Bay Trail from McCaffery Road. Echo Bay Trail is a paved private road within a 60 foot easement, a 30 foot easement and Big Ravine Drive is a paved two lane county road within a 60 foot easement.

Echo Bay Trail is a private road and no traffic counts are available. Staff calculated estimated average daily traffic (ADT) using a standard trip generation of 9.51 trips per single family dwelling. Given that about 39 properties are located on Echo Bay Trail or a road off of roads that intersect with Echo Bay Trail, most of those properties do not contain houses so the total average daily trips would be minimal. The latest traffic counts available for McCaffery Road, east of Montana Highway 35 from the Flathead County Road and Bridge Department is 484 ADT. Comments received from the Flathead County Road and Bridge Department indicate no concern at this time. The subject property could be divided into one additional lot. Based on projected land uses arising from the proposed zone change this proposal would likely generate an additional 10 ADT.

The applicant has stated that the subject property will be serviced by individual sewer and water systems. The applicant will be required to work with Flathead City-County Health Department to develop an on-site well and sewer system to meet the needs of any future development. Flathead City-County Health Department did not provide comment on the proposal.

While the subject property is located within the Bigfork School District and Bigfork High School District School District, neither school district provided comments on this proposal. The proposed zoning has the potential to generate school children but is not likely to impact either school. The proposal has the potential to generate one additional dwellings and therefore would generate minimal school age children

The zoning map amendment would change the current 20 acre minimum lot size to a smaller 10 acre minimum lot size, it is anticipated subsequent future development would require review and parkland would not be required at that time because the lots created would be greater than five gross acres in size. There are numerous parks, natural areas, and recreational opportunities within a short drive of the subject property.

**Finding #5:** The proposed zoning map amendment would facilitate the adequate provision of transportation because the existing infrastructure appears adequate to accommodate the change in zoning, the County Road Department had no comments regarding this proposal and the traffic generated from this proposal would be approximately 10 average daily trips.



**Finding #6:** The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review, the proposal will generate minimal school age children and there are numerous parks, natural areas, and recreational opportunities in the vicinity.

**3. In evaluating the proposed map amendment, consideration shall be given to:**

**a. The reasonable provision of adequate light and air;**

Any additional lots created or structures constructed would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot area requirements of the SAG-10 zoning classification. The maximum building height within the proposed SAG-10 zone is 35 feet and the maximum building height of the existing AG-20 zone is 35 feet. Permitted lot coverage is 20% for the existing and proposed zoning classifications. The minimum lot area for SAG-10 is 10 acres and the minimum lot area for the existing AG-20 is 20 acres. The proposed zoning map amendment has the potential to double development density on the subject property.

As previously stated, the setback requirements within the current and proposed zoning require a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. The bulk and dimensional requirements for the SAG-10 designation have been established to provide for a reasonable provision of light and air.

**Finding #7:** The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-10 designation.

**b. The effect on motorized and non-motorized transportation systems;**

As previously stated, primary access to the property is currently via Echo Bay Trail from McCaffery Road. Echo Bay Trail is a paved private road within a 60 foot easement, a 30 foot easement and Big Ravine Drive is a paved two lane county road within a 60 foot easement.

Echo Bay Trail is a private road and no traffic counts are available. Staff calculated estimated average daily traffic (ADT) using a standard trip generation of 9.51 trips per single family dwelling. Given that about 39 properties are located on Echo Bay Trail or a road off of roads that intersect with Echo Bay Trail, most of those properties do not contain houses so the total average daily trips would be minimal. The latest traffic counts available for McCaffery Road, east of Montana Highway 35 from the Flathead County Road and Bridge Department is 484 ADT. Comments received from the Flathead County Road and Bridge Department indicate no concern at this time. The subject property could be divided into one additional lot.

Based on projected land uses arising from the proposed zone change this proposal would likely generate an additional 10 ADT.

There is no existing bike/pedestrian facilities currently located along Echo Bay Trail and no future bike/pedestrian trail is identified on Echo Bay Trail in the Flathead County Trails Plan.

**Finding #8:** Effects on motorized and non-motorized transportation systems will be minimal because the existing road infrastructure appears adequate to accommodate the change in zoning, this proposal would likely generate an additional 10 ADT and the change will not have an impact on the bicycle/pedestrian trails in the county.

**c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**

The town of Bigfork, which is not an incorporated municipality, is located approximately 3.5 miles south of the subject property, and the proposed zoning map amendment appears compatible with urban growth of the Bigfork Planning Area (BPA) as described in the Bigfork Neighborhood Plan because the plan designates the location of the subject property as ‘Agricultural’ and specifically contemplates SAG-10 zoning as being an appropriate zoning implementation for the ‘Agricultural’ designation.

The incorporated City of Kalispell, which is the nearest city, is located approximately 10 miles northwest of the subject properties and the proposed zoning map amendment will not have an impact on urban growth of Kalispell.

**Finding #9:** The proposed zoning map amendment would be compatible with current urban growth in the Bigfork area because the proposed SAG-10 zoning is described as an appropriate zoning implementation for the ‘Agricultural’ designation in the Bigfork Neighborhood Plan.

**d. The character of the district(s) and its peculiar suitability for particular uses;**

The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

**i. *The zoning allows a use that differs significantly from the prevailing use in the area.***

The intent of the existing ‘AG-20 Agricultural’ zone is to protect and preserve agricultural land for the performance of a wide range of agricultural functions. The purpose of the proposed ‘SAG-10 Suburban Agricultural’ zone is to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses.

The proposed SAG-10 would allow for the same uses as the adjacent SAG-5 zoning west of the subject property. The main difference between the existing and proposed zoning is minimum lot area, in the existing AG-20 zoning the minimum lot area is 20 acres while the proposed SAG-10 zone has a 10 acre minimum lot area.

The character of the overall zoning district is rural residential, heavily forested with not much agricultural or forestry activities. A majority of the surrounding properties are either vacant or utilized for single family. The proposed zoning map amendment, if approved, would allow for uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and existing on surrounding properties.

ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

Using standard ArcGIS software staff determined that the subject property is located within an AG-20 zoning use district approximately 90 acres in size. The area of the proposed zoning map amendment is 22.09 acres or 24.5% of the existing AG-20 zoning use district.

Adjacent to the subject property on the west is a SAG-5 zoning district which is approximately 1158.3 acres and on the east is an AG-40 zoning district which is approximately 1117.1 acres. Also half a mile to the southeast of the property is a 10.0 acre SAG-5 zoning use district and a 47.0 acre SAG-10 zoning district. So even though the property is only 22.09 acres and applies to one land owner the zone change would be consistent in size with the nearby SAG-5 and SAG-10 and would be over 25% of the existing AG-20 zone.

iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The subject property is currently owned by a single landowner however, the permitted and conditional uses listed within a SAG-10 zone are similar to the permitted and conditional uses in the current AG-20 zone, as discussed in the build-out analysis. And almost identical to the neighboring SAG-5 zoning to the west.

The zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and the suburban agricultural zoning of the surrounding area.

**Finding #10:** The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for the same uses permitted throughout the neighboring properties, is similar in size to nearby zoning use districts, and would be 25% of the area in existing AG-20 zone.

e. **Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**



The adjacent properties are all heavily forested, and developed with single family residence. Also in the vicinity is a bible camp and a gravel pit. The uses allowed within the SAG-10 zone are similar to what is permitted and what currently exists in the surrounding AG-20, AG-40 and adjacent SAG-5 designations. Allowing the requested zoning amendment on the subject property could conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area.

**Finding #11:** This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-10 designation allows for similar uses to the surrounding AG-40, AG-20 and SAG-5 designation.

**4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

The nearest incorporated city is the City of Kalispell which is located approximately 10 miles northwest of the subject property. Because there are no nearby municipalities the proposal will have no impact on compatibility of zoning ordinances of nearby municipalities.

**Finding #12:** The proposed map amendment will not impact the compatibility of zoning ordinances of nearby municipalities because the closest incorporated city is located approximately 10 miles northwest of the subject property.

## **V. SUMMARY OF FINDINGS**

1. The proposed zoning map amendment from SAG-10 to SAG-5 appears to comply with the Bigfork Neighborhood Plan Map Year 2020 because the proposed zoning classification is compatible with the future land use map designation of 'Agricultural.'
2. The proposed zoning map amendment from AG-20 to SAG-10 is generally supported by the text, goals and policies of The Plan because it would encourage housing that maintains traditional development patterns, is not currently used for nor has it been historically used for agricultural, and it would allow for lot sizes and land uses between what exists in the adjacent SAG-5, AG-20, and AG-40 zones.
3. The proposed map amendment would secure safety from fire and other dangers because even though it would allow for additional houses in the WUI, emergency services are available, and thinning has occurred on the property and the property is not located within the 100 year floodplain.
4. The proposed zoning map amendment would not have a negative impact on public health, safety and general welfare because the property is served by the Creston Fire Department, Flathead County Sheriff, future development would be similar to uses already allowed in the current AG-40 AG-20 and SAG-5 zoning, and emergency service providers can anticipate likely emergencies based on similar existing and proposed uses.
5. The proposed zoning map amendment would facilitate the adequate provision of transportation because the existing infrastructure appears adequate to accommodate the change in zoning, the County Road Department had no comments regarding this proposal and the traffic generated from this proposal would be approximately 10 average daily trips.

6. The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review, the proposal will generate minimal school age children and there are numerous parks, natural areas, and recreational opportunities in the vicinity.
7. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-10 designation.
8. Effects on motorized and non-motorized transportation systems will be minimal because the existing road infrastructure appears adequate to accommodate the change in zoning, this proposal would likely generate an additional 10 ADT and the change will not have an impact on the bicycle/pedestrian trails in the county.
9. The proposed zoning map amendment would be compatible with current urban growth in the Bigfork area because the proposed SAG-10 zoning is described as an appropriate zoning implementation for the 'Agricultural' designation in the Bigfork Neighborhood Plan.
10. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for the same uses permitted throughout the neighboring properties, is similar in size to nearby zoning use districts, and would be 25% of the area in existing AG-20 zone.
11. This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-10 designation allows for similar uses to the surrounding AG-40, AG-20 and SAG-5 designation.
12. The proposed map amendment will not impact the compatibility of zoning ordinances of nearby municipalities because the closest incorporated city is located approximately 10 miles northwest of the subject property.

## **VI. CONCLUSION**

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM